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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,126	09/20/2006	Maria Pilar de Salazar Vinas	06127	4568
23338 DENNISON S	7590 10/29/200 CCHULTZ & MACDO	EXAMINER		
1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			PATEL, YOGESH P	
			ART UNIT	PAPER NUMBER
	,		3732	
			MAIL DATE	DELIVERY MODE
			10/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/599,126	DE SALAZAR VINAS, MARIA PILAR		
Examiner	Art Unit		
YOGESH PATEL	3732		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 Celober 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.    The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of the application, applicant must timely life one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) A notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a)	-The MAILING DATE of this communication appears of	if the cover sheet with the correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which palaces th application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.141. The reply must be filed within one of the following time periods:  a)	THE REPLY FILED 20 October 2008 FAILS TO PLACE THIS APPLI	CATION IN CONDITION FOR ALLOWANCE.
b) ☐ The period for reply expires on: (1) the mailing date of his Advisory Action, or (2) the date set forth in the final rejection, historiever is later. In order th owere, will be statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (e) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE FIRST REPLY WAS FILED WITHIN TM MONTHS OF THE PROPERTY OF THE PROPE	application, applicant must timely file one of the following replie application in condition for allowance; (2) a Notice of Appeal (w for Continued Examination (RCE) in compliance with 37 CFR 1 periods:	s: (1) an amendment, affidavit, or other evidence, which places the th appeal fee) in compliance with 37 CFR 41.31; or (3) a Request .114. The reply must be filed within one of the following time
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) r (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than the remaining date of the final rejection, even if timely filed my reduce any extension there of appeal and of the final rejection, even if timely filed my reduce any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  AMENDMENTS  AMENDMENTS  They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise new issues that would require further consideration and/or search (see NOTE below);  (c) They arise new determed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  (d) The preparation of the presented to place the application in the presented. See 37 CFR 1.16(e).  Applicant's reply has overcome the following rejec	<ul> <li>a) The period for reply expires 3 months from the mailing date of the</li> </ul>	final rejection.
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if checked. Any reply received by the Office later than the proposed amendation and the proposed amount of the date of filing the Notice of Appeal was filed on	no event, however, will the statutory period for reply expire later the	an SIX MONTHS from the mailing date of the final rejection.
have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension free funds of 3° CPR 1.17(a) is activated form: (1) the expiration date of the shortened statutory period for period prolingly set in find Office action; or (2) is set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any amend patent term adjustment. See 3° CPR 1.70(b).  NOTICE OF APPEAL  I The Notice of Appeal was filed on	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    MENDMENTS	have been filed is the date for purposes of determining the period of extension under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shorter set forth in (b) above, if checked. Any reply received by the Office later than t may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	n and the corresponding amount of the fee. The appropriate extension fee ned statutory period for reply originally set in the final Office action; or (2) as
<ul> <li>3.</li></ul>	filing the Notice of Appeal (37 CFR 41.37(a)), or any extension	thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a
(a)	AMENDMENTS	
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. ☐ The amendments are not in compliance with 37 CFR 1.112. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s): ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed: ☐ Claim(s) is allowed: ☐ Claim(s) rejected: ☐ Claim(s) withdrawn from consideration: ☐ Claim(s) withdrawn from consideration: ☐ Claim(s) withdrawn from consideration: ☐ Claim(s) rejected: ☐ Proper or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e)  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after do overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(f).  10. ☐ The affidavit or other evidence filed after do date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence is necessa	<ul> <li>(a) ☐ They raise new issues that would require further consider</li> </ul>	
(d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).  4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. Applicant's reply has overcome the following rejection(s):  6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) eliowed:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  AFFIDA/IT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal and for appellant fails to provide a showing a good and sufficient reasons why the necessary and was not earlier presented. See 37 CFR 41.33(d)(f).  10. The affidavit or other evidence site entered. An explanation of the status of the claims after entry is below attached.  REQUEST FOR RECONSIDERATION/OTHER.  A the request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant argues that	(c) They are not deemed to place the application in better for	m for appeal by materially reducing or simplifying the issues for
NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).  1 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5 Applicant's reply has overcome the following rejection(s):		ponding number of finally rejected claims.
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):		
5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable dalim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		
6.		
7.	6. Newly proposed or amended claim(s) would be allowab	le if submitted in a separate, timely filed amendment canceling the
Claim(s) objected to: Claim(s) rejected: Claim(s) r	how the new or amended claims would be rejected is provided. The status of the claim(s) is (or will be) as follows:	
Claim(s) withdrawn from consideration:	Claim(s) objected to:	
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  □ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  □ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  ■ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant argues that the cap of Casey (5.766.005) with an elastic ring which constitutes a "fixing means" which is used to housing a double twisted wire with the elastic ring serving as guide. However, such language is an intended use.  12. ☐ Note the attached information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	Claim(s) withdrawn from consideration:	
entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 3 TCR 133(d)(1).  10.	The affidavit or other evidence filed after a final action, but befo because applicant failed to provide a showing of good and suffi	
REQUEST FOR RECONSIDERATION/OTHER  11. All The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant argues that the cap of Casey (5,766,005) with an elastic ring which constitutes a "fixing means" which is used to housing a double twisted wire with the elastic ring serving as guide. However, such language is an intended use  12. Note the attached information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	entered because the affidavit or other evidence failed to overco	me all rejections under appeal and/or appellant fails to provide a
In Example 11. In the request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant argues that the cap of Casey (5,766,005) with an elestic ring which constitutes a "fixing means" which is used to housing a double twisted wire with the elastic ring serving as guide. However, such language is an intended use  12. □ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  13. □ Other:		ne status of the claims after entry is below or attached.
13.	11.   The request for reconsideration has been considered but does Applicant argues that the cap of Casey (5,766,005) with an element of the cap of Casey (5,766,005) with an element of the cap of Casey (5,766,005).	astic ring which constitures a "fixing means" which is used to
/Ralph Lewis/		SB/08) Paper No(s)
Praimary Examiner, Art Unit 3732 Examiner, Art Unit 3732		

PTOL-303 (Rev. 08-06)

Continuation of 3. NOTE: Newly added claims requires further search/considerations. .